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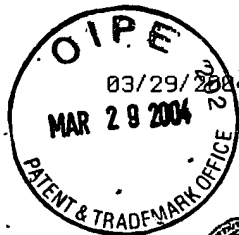
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GOPSTEIN PATENT

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UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/662,949	09/16/2003	Yutaka Machida	041-1860AR1-3

Israel Gopstein Esq  
Clark & Brody  
1750 K Street NW  
Suite 800  
Washington, DC 20006

CONFIRMATION NO. 1501

FORMALITIES LETTER

00000000011776528

Date Mailed: 01/28/2004

NOTICE TO FILE MISSING PARTS OF REISSUE APPLICATION

*Filing Date Granted*

An application number and filing date have been accorded to this reissue application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- Consent of assignee is missing. 37 CFR 1.172 requires that a reissue oath/declaration be accompanied by the written consent of all assignees.
- Assignee's statement under 37 CFR 3.73(b) establishing ownership of the patent is missing. 37 CFR 1.172 requires that all assignees consenting to the reissue application establish their ownership interest in the patent by filing in the reissue application a statement in accordance with 37 CFR 3.73(b).

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$130 for a Large Entity

- \$130 Late oath or declaration Surcharge.

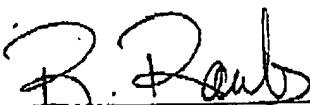

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*A copy of this notice **MUST** be returned with the reply.*

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PART 2 - COPY TO BE RETURNED WITH RESPONSE



PTO/SB97 (08-00)

Approved for use through 10/31/2002. OMB 0651-0001

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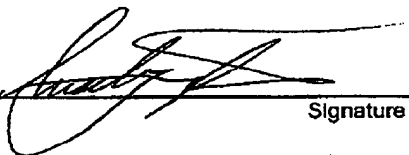
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Attorney Docket No. 041-1860ARI-3

## Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the  
United States Patent and Trademark Office

On March 29, 2004  
Date

  
Signature

Israel Gopstein, Reg. No. 27,333  
Typed or printed name of person of signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

*Included herein are the following papers for filing in Application Serial No. 10/662,949:*

- 1) Transmittal Sheet identifying papers filed and fee paid (1 page);
- 2) Response to Notice of Missing Parts, with traverse (2 pages);
- 3) Copy of Notice to File Missing Parts (2 pages);
- 4) Certificate Under 37 CFR 3.73(b) and Assignee's Consent to Reissue (1 page);
- 5) Form PTO 2038 authorizing charge of \$130.00 (1 page);
- 6) Information Disclosure Statement with Form PTO 1449 (3 pages); and
- 7) Statement of Support for Claim Changes (4 pages).

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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Docket No.: 041-1860ARI-3

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of : Patent No. 5,937,095  
 Yutaka MACHIDA : OIPE  
 Serial No. 10/662,949 : Confirmation No. 1501  
 Filed: 09/16/2003 : Examiner:  
 For: METHOD FOR ENCODING AND DECODING MOVING PICTURE SIGNALS

Mall Stop MISSING PARTS  
 COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Response to Notice of Missing Parts, with Traverse in the above identified application.

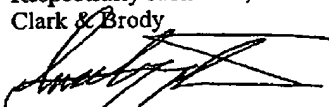
- [ ] No additional fee is required.  
 [ ] Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.  
 [ ] A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.  
 [ X ] Also attached: 1) Copy of Notice of Missing Parts; 2) Certificate Under 37 CFR 3.73(b) and Assignee's Consent in Reissue; 3) Form 2038 authorizing charge of \$130; 4) Information Disclosure Statement; and 5) Statement of Support for Claim Changes

The fee has been calculated as shown below:

	NO. OF CLAIMS	HIGHEST PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	FEE
Total Claims	5	20	0	x \$ 18 =	\$ 0.00
Independent Claims	3	6	0	x \$ 86 =	\$ 0.00
If multiple claims newly presented, add \$260.00					\$0.00
TRAVERSED Fee for late oath or declaration surcharge					\$130.00
TOTAL FEE paid					\$130.00

- [ X ] Form 2038 authorizing payment in the amount of \$130.00 is attached  
 [ X ] The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment, to Deposit Account No. 50-1088, including any filing fees under 37 CFR 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,  
 Clark & Brody

  
 Israel Gopstein  
 Registration No. 27,333

1750 K Street, N.W. Suite 600  
 Washington, D.C. 20006  
 (202) 835-1111  
 (202) 835-1755 (fax)  
 Date: March 29, 2004



Docket No.: 041-1860ARI-3

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Reissue Application of : Patent No. 5,937,095  
Yutaka MACHIDA : **OIPE**  
Serial No. 10/662,949 : Confirmation No. 1501  
Filed: 09/16/2003 : Examiner:  
For: METHOD FOR ENCODING AND DECODING MOVING PICTURE SIGNALS

**RESPONSE TO NOTICE OF MISSING PARTS with TRAVERSE**

Mail Stop MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice dated January 28, 2004, copy enclosed, applicant submits herewith:

- 1) Authorization to charge a late filing fee or oath or declaration surcharge of \$130;
- 2) Consent of assignee;
- 3) Assignee's statement under 37 CFR 3.73(b) establishing ownership of the patent, and
- 4) A copy of the Notice to File Missing Parts.

However, applicant courteously traverses imposition of the "late filing fee or oath or declaration surcharge" and the requirement of Consent of Assignee and Assignee's statement, for the following reasons.

First, it is noted that the filing fee was paid upon filing. Moreover, the oath was filed with the application. Accordingly, there is no basis for requiring either a late filing fee surcharge, as the filing fee was timely paid, or a late oath or declaration surcharge, as the oath was timely filed with the application. Accordingly, it is courteously submitted that the accompanying authorization to charge the surcharge is unnecessary and should not be used and, if used, that a refund is in order.

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Page 2 of 2

Moreover, it is noted that the present application is a *continuation* of an allowed reissue application. As such, it continues to be a "reissue" application but, in fact, in parent application 09/925,423, the Assignee (on March 12, 2003) had filed its consent to reissuing the original U.S. Patent 5,937,095 and had established ownership thereof. Indeed, the original Deed to the patent had been submitted on July 23, 2002, pursuant to a Quayle Action in parent application 09/925,423.

Therefore, it is quite clear that the records of the Patent and Trademark Office clearly reflect and establish *both* Assignee's consent *and* ownership of the patent. Thus, while a copy of Assignee's Consent to the reissue, and Statement of ownership, of the patent is enclosed herewith, it is courteously submitted that, having already returned the Deed to the Office, the same is no longer required in the present continuing application.

In view of the foregoing, it is courteously submitted that, in the first instance, no items were missing from the application and, moreover, the present paper and enclosures *a fortiori* eliminates any informalities in the application. In either case, in view of the fact that applicant filed the application together with *both* the filing fee *and* the oath, it is quite clear that there is *no basis for requiring submission of a "late filing fee or oath or declaration surcharge."*

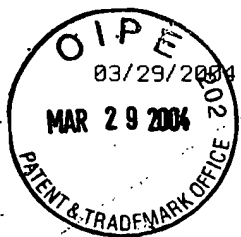
Accordingly, reconsideration of the requirement and refund of the fees is in order and the same is courteously requested. Prompt notification of the same is courteously solicited.

Respectfully submitted,  
Clark & Brody



Israel Gopstein  
Registration No. 27,333

1750 K Street, N.W. Suite 600  
Washington, D.C. 20006  
(202) 835-1111  
(202) 835-1755 (fax)  
Date: March 29, 2004



03/29/2004 19:43 240-3710700

GOPSTEIN PATENT

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P 132 71

US-95080

Docket No. 041-1860ARI

## REISSUE APPLICATION

- 1) CERTIFICATE UNDER 37 CFR 3.73(b) and
- 2) ASSIGNEE'S CONSENT TO REISSUE PATENT APPLICATION UNDER 37 CFR 1.172

This is part of the application for a reissue patent based on the original patent identified below.

Name(s) of Patentee(s): Yutaka Machida

Patent Number: 5,937,095

Date Patent Issued: August 10, 1999

Title of Invention: METHOD FOR ENCODING AND DECODING MOVING PICTURE SIGNALS

In accordance with the provisions of 37 CFR 3.73(b), Matsushita Electric Industrial Co., Ltd., a Corporation, states that it is the assignee of the entire right, title, and interest in the above identified patent by virtue of an Assignment from the inventor thereof. The Assignment was recorded in the United States Patent and Trademark Office at REEL 7879, FRAME 0699.

The undersigned is authorized to act on behalf of the Assignee.

In accordance with the provisions of 37 CFR 1.172, the written consent of all assignees and inventors owning an undivided interest in the original patent is included in this application for reissue.

The Assignee of the above identified U.S. Patent 5,937,095, of which it is the owner by virtue of the above noted Assignment recorded at REEL 7879, FRAME 0699, hereby consents to filing of the accompanying reissue application therefor.

Name of Assignee: Matsushita Electric Industrial Co., Ltd.

Signature of person signing for assignee

Date

Typed or Printed Name and Title of Person Signing for Assignee:

Isamu Shimura

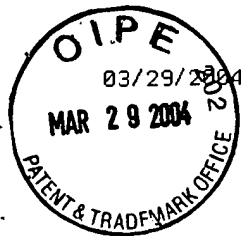
Director, IP Development Center

Name

Authorized Signing Officer

Title





Docket No.: 041-1860ARI-3

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Reissue Application of : Patent No. 5,937,095  
Yutaka MACHIDA : **OIPE**  
Serial No. 10/662,949 : Confirmation No. 1501  
Filed: 09/16/2003 : Examiner:

For: METHOD FOR ENCODING AND DECODING MOVING PICTURE SIGNALS

**STATEMENT OF SUPPORT FOR CLAIM CHANGES UNDER 37 CFR 1.173(C)****Mail Stop MISSING PARTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The present application is a continuation of a broadening Reissue Application filed within two years of the issue date of U.S. Patent 5,937,095. The present application is therefore similarly a broadening reissue application.

Applicant's invention is set forth in the issued claims as changed and amended in the parent application hereof, Serial No. 09/925,423 (allowed May 13, 2003), as well as in the newly submitted claims 17-21.

As set forth by applicant, the present application is provided in order to claim facets of the invention which, by error and without deceptive intent, were not previously recited in issued claims. It is noted that in the parent reissue application, claims 1-23 were allowed. However, in an amendment filed together with payment of the issue fee thereof on August 13, 2003, applicant had, *inter alia*, cancelled allowed claims 19-23. The present application presents the cancelled allowed claims 19-23 as claims 17-21.

Serial No. 10/662,949

Reissue of Patent 5,937,095

It is noted that claim 17 as presented in this application incorporated an amendment of the previously allowed claim 19. The amendment adds to allowed claim 19 the recitation

“specifying a spatial position of said subframe within said frame by adding spatial position information to said identifier, the spatial position information representing said spatial position of said subframe within said frame”

Support for the claims presented in the present application is found as follows.

Claim 17 recites a method of encoding digital motion picture signals of a frame, claim 18 recites a method of encoding and decoding digital motion picture signals of a frame, and claim 19 recites a method for decoding an encoded bitstream. Claims 20 and 21 depend from claim 19.

#### **STATEMENT OF SUPPORT UNDER 37 CFR 1.173(C)**

In accordance with the provisions of 37 CFR 1.173(C), support for the changes represented by claims 17-21 provided herein is identified as follows.

a) Support for new claim 17 can be found in Fig. 6 and the disclosure at col. 6, lines 14-46 of the issued patent 5,937,095. In these disclosures, for example, are provided an identifier (SFSC of Fig. 6), time position information (SFNT) and spatial position information (SFNS).

b) Examples of support for various recitations of claim 18 may be found as follows.

In the first portion of the claim, a method for encoding, including steps of “dividing... forming... setting... specifying... specifying... encoding... multiplexing...” is similar to the method recited in claim 17 and finds support similarly thereto. In the remaining portion, the decoding aspect of the method may be seen to find support in Fig. 7 and in the disclosure beginning at column 6, line 47 of the patent, for example.

Thus, the determination step labeled “IS SFSC DETECTED?” at Fig. 7 may be seen as

Serial No. 10/662,949

Reissue of Patent 5,937,095

corresponding to the recitation “detecting said identifier to extract said encoded time position information and said encoded spatial position information from said encoded bitstream”;

In that Figure, the step labeled “CHECKING SFNT” may be seen as corresponding to the recitation “decoding said extracted encoded time position information to obtain decoded time position information”;

The step labeled “CHECKING SFNS” in Fig. 7 may be seen as corresponding to the recitation “decoding said extracted encoded spatial position information to obtain decoded spatial position information”;

In that Figure, the step labeled “PLACING THE SUBFRAME ACCORDING TO SFNT & SFNS” may be seen as corresponding to the recitation “decoding said encoded subframe to form said frame according to said decoded spatial position information and said decoded time position information.”

c) A “method for decoding an encoded bitstream” as recited in claims 19-21 corresponds to a portion of the recitation of claim 18 and finds similar support, for example in the portion beginning at col. 6, line 47 and as illustrated at Fig. 7.

Specifying spatial position information of a subframe finds illustrative support

i) in the Abstract at line 11;

ii) at SFNS 18 in Fig. 6; at col. 6, lines 36-38; at Fig. 7; at col. 6, lines 55-57 and at col. 7, lines 4-10, for example.

d) Detecting a conflict and implementing the procedures recited in claim 20 finds illustrative support in the third decision step of Fig. 7 (“IS ANY CONFLICT IN SFNT & SFNS?”) for example, and branching and merger into the step “IS SFSC DETECTED”, as well

Serial No. 10/662,949

Reissue of Patent 5,937,095

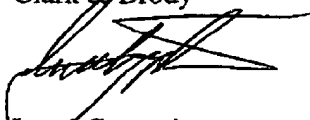
as in the disclosure at col. 6, line 47 through col. 7, line 20 for example.

e) Detecting a conflict and implementing the procedures recited in claim 21 may be seen to be supported by the fourth decision step of Fig. 7 ("IS ANY CONFLICT IN THE DECODING OF THE BLOCK LAYER?") and merger into the step of "IS SFSC DETECTED?" and in the aforementioned portion of the specification.

Synchronization of a subframe layer without decoding the current encoded subframe or the current block layer" in claims 20-21 may be seen to find support at col. 7, lines 16.

Based on the foregoing, it is requested that a further reissue patent be issued with respect to Patent 5,937,095, as hereinabove set forth.

Respectfully submitted,  
Clark & Brody



Israel Gopstein  
Registration No. 27,333

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Date: March 29, 2004